

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2 In the Matter of the Mortgage Broker License of:

No. 10F-BD113-SBD

3 **ALL AMERICAN LENDING GROUP,
4 L.L.C. and MELISSA J. HAND, MANAGING
MEMBER**

5 4511 North Campbell Avenue, Suite 205
Tucson, AZ 85718

**ORDER OF SUMMARY SUSPENSION
AND NOTICE OF OPPORTUNITY FOR
HEARING**

6 Respondents.

7
8 The Arizona Department of Financial Institutions (the "Department") hereby finds that All
9 American Lending Group, L.L.C. and Melissa J. Hand, Managing Member, ("Respondents") have
10 violated the provisions of the Arizona Revised Statutes ("A.R.S."), Title 6 as set forth below and
11 finds that the public health, safety and welfare require emergency action pursuant to A.R.S. §§ 6-905
12 and 41-1092.11(B).

13 **THEREFORE, IT IS ORDERED** to summarily suspend the Arizona mortgage broker
14 license held by Respondents. **This suspension is effective immediately.**

15 EFFECTIVE this 18th day of February, 2010.

16 Thomas L. Wood
Acting Superintendent of Financial Institutions

17 By

18 
Robert D. Charlton

19 Assistant Superintendent of Financial Institutions

20
21 PLEASE TAKE NOTICE that, pursuant to Titles 6 and 41 of the Arizona Revised Statutes
22 and Title 20, Chapter 4 of the Arizona Administrative Code ("A.A.C."), Respondents are hereby
23 notified that they are entitled to a hearing to contest the allegations set forth in this Order. The
24 Request for Hearing shall be filed with the Arizona Department of Financial Institutions (the
25 "Department") pursuant to A.R.S. § 6-137(D) within **thirty (30) days** of service of this Order and
26 shall identify with specificity the action or order for which review is sought in accordance with

1 A.R.S. § 41-1092.03(B).

2 Pursuant to A.R.S. §§ 41-1092.01(D) and 41-1092.03(B), any person may appear on his or
3 her own behalf or by counsel. If Respondents is represented by counsel, the information required by
4 A.R.S. § 41-1092.03(B) shall be included in the Request for Hearing. Upon the filing of a Request
5 for Hearing, the Department shall issue a Notice of Hearing scheduling the matter for hearing in
6 accordance with A.R.S. § 41-1092.05. **Persons with disabilities may request reasonable**
7 **accommodations such as interpreters, alternative formats, or assistance with physical**
8 **accessibility.** Requests for special accommodations must be made as early as possible to allow time
9 to arrange the accommodations. If accommodations are required, call the Office of Administrative
10 Hearings at (602) 542-9826.

11 Respondents have the right to request an Informal Settlement Conference, pursuant to A.R.S.
12 § 41-1092.06, by filing a written request no later than **twenty (20) days** before the scheduled
13 hearing. The conference will be held within **fifteen (15) days** after receipt of your request. If an
14 Informal Settlement Conference is requested, a person with the authority to act on behalf of the
15 Department will be present (the "Department Representative"). Please note that in requesting an
16 Informal Settlement Conference, Respondents waive any right to object to the participation of the
17 Department Representative in the final administrative decision of this matter, if it is not settled. In
18 addition, any written or oral statement made by Respondents at such informal settlement conference,
19 including written documentation created or expressed solely for purposes of settlement negotiations,
20 are inadmissible in any subsequent administrative hearing. (See A.R.S. § 41-1092.06 for rules
21 regarding informal settlement conferences.) Conversely, any written or oral statement made by
22 Respondents outside an Informal Settlement Conference is not barred from being admitted by the
23 Department in any subsequent hearing.

24 If Respondents do not request a hearing, this Order shall become final. If Respondents
25 request a hearing, the purpose of the hearing shall be to determine if grounds exist for: (1) the
26 issuance of an order pursuant to A.R.S. § 6-137 directing Respondents to cease and desist from the

1 violative conduct and to take the appropriate affirmative actions, within a reasonable period of time
2 prescribed by the Superintendent, to correct the conditions resulting from the unlawful acts,
3 practices, and transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. § 6-
4 132; (3) the suspension or revocation of Respondent's license pursuant to A.R.S. § 6-905; (4) an
5 order to pay restitution of any fees earned on loans made in violation of A.R.S. §§ 6-901, *et seq.*,
6 pursuant to A.R.S. §§ 6-131(A)(3) and 6-137; and (5) an order or any other remedy necessary or
7 proper for the enforcement of statutes and rules regulating mortgage brokers pursuant to A.R.S. §§
8 6-123 and 6-131.

9 FINDINGS

10 1. Respondent All American Lending Group, L.L.C. is an Arizona Limited Liability
11 Company authorized to transact business in Arizona as a mortgage broker, license number MB
12 0015101, within the meaning of A.R.S. §§ 6-901, *et seq.* The nature of All American Lending
13 Group, L.L.C.'s business is that of making, negotiating, or offering to make or negotiate loans
14 secured by Arizona real property, within the meaning of A.R.S. § 6-901(11).

15 2. Pursuant to A.R.S. § 6-903(J), Respondents are required to have a surety bond in the
16 amount set forth in A.R.S. § 6-903(K), or an alternative as set forth in A.R.S. § 6-903(M).

17 3. On January 29, 2010, the Department received notification from Capital Indemnity
18 Corporation stating that All American Lending Group, L.L.C.'s surety bond, number LP00586740 in
19 the amount of \$15,000.00, was to be cancelled effective February 11, 2010.

20 4. On February 4, 2010, the Department sent an email to Respondents, to the email
21 address on record with the Department, informing them of the bond cancellation. The Department
22 also sent notification regarding the bond cancellation to All American Lending Group, L.L.C. via the
23 Nationwide Mortgage License System.

24 5. Respondents failed to provide documentation regarding the reinstatement of their
25 bond or documentation of a new surety bond.

26 6. Respondents do not have the required surety bond in order to conduct business as a

1 mortgage broker.

2 7. The conduct described above constitutes an immediate threat to the public health,
3 safety, and welfare warranting immediate suspension of Respondent's mortgage broker license.

4 8. The conduct described above constitutes grounds for the suspension of Respondent's
5 mortgage broker license.

6 LAW

7 1. Pursuant to A.R.S. Title 6, Chapter 9, the Superintendent has the authority and duty to
8 regulate all persons engaged in the mortgage broker business and with the enforcement of statutes,
9 rules, and regulations relating to mortgage brokers.

10 2. By the conduct set forth in the Findings, Respondents have failed to maintain the
11 surety bond required by A.R.S. § 6-903(J).

12 3. Pursuant to A.R.S. §§ 6-905 and 41-1092.11(B), the conduct described above
13 constitutes an immediate threat to the public health, safety and welfare warranting immediate
14 suspension of Respondent's mortgage broker license.

15 4. Respondents have not conducted business in accordance with the law and have
16 violated Title 6, Chapter 9, which constitutes grounds for the suspension or revocation of
17 Respondent's license pursuant to A.R.S. § 6-905(A)(3).


18 5. The violations, set forth above, constitute grounds for the pursuit of any other remedy
19 necessary or proper for the enforcement of statutes and rules regulating mortgage brokers in Arizona
20 pursuant to A.R.S. §§ 6-123 and 6-131.

21 6. Pursuant to A.R.S. § 6-132, Respondent's violations of the aforementioned statutes
22 are grounds for a civil penalty of not more than five thousand dollars (\$5,000.00) for each violation
23 for each day.

24 WHEREFORE, if Respondents do not request a hearing to contest the above Findings or
25 produce evidence of a valid surety bond, Respondent's license shall remain suspended unless and
26 until reinstated or until said license expires by operation of law.

1
2 DATED this 18th day of February, 2010.

3 Thomas L. Wood
4 Acting Superintendent of Financial Institutions

5
6 By 
7 Robert D. Charlton
8 Assistant Superintendent of Financial Institutions

9 ORIGINAL of the foregoing filed this 18th
10 day of February, 2010, in the office of:

11 Thomas L. Wood
12 Acting Superintendent of Financial Institutions
13 Arizona Department of Financial Institutions
14 ATTN: Susan Longo
15 2910 N. 44th Street, Suite 310
16 Phoenix, AZ 85018

17 COPY mailed/delivered same date to:

18 Craig A. Raby
19 Assistant Attorney General
20 Attorney General's Office
21 1275 West Washington
22 Phoenix, AZ 85007

23 Richard Fergus, Licensing Division Manager
24 Robert D. Charlton, Assistant Superintendent
25 Arizona Department of Financial Institutions
26 2910 N. 44th Street, Suite 310
Phoenix, AZ 85018

AND COPY MAILED SAME DATE, by
Certified Mail, Return Receipt Requested to:

All American Lending Group, L.L.C.
Attention: Melissa J. Hand, Managing Member
4511 North Campbell Avenue, Suite 205
Tucson, AZ 85718
Respondent

1 Robert J. St. Clair, Statutory Agent
2 All American Lending Group, L.L.C.
3 215 N. Court Ave., 2nd Floor
4 Tucson, AZ 85701

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By: Susan Longo